

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RHONDA A. COLEMAN,)	
)	
Plaintiff,)	C.A. No. 08-50-GMS
)	
v.)	
)	
WILMINGTON TRUST,)	
)	
Defendant.)	

ANSWER TO COMPLAINT

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied that any discriminatory conduct occurred.
5. Denied that any discriminatory acts occurred.
6. Denied.
7. Defendant does not have sufficient information to admit or deny this averment.
8. Defendant does not have sufficient information to admit or deny this averment.
9. Defendant does not have sufficient information to admit or deny this averment.
10. Denied.
11. Denied.
12. The charge allegedly filed with the Equal Employment Opportunity Commission was not attached.
13. Denied.
14. Denied.

AFFIRMATIVE DEFENSES

15. The Complaint fails to state a claim upon which relief can be granted.

16. To the extent Plaintiff's Complaint was not filed within ninety (90) days of Plaintiff's receipt of a notice of right to sue, all claims arising out of the underlying charge are time-barred.

17. To the extent Plaintiff's claims are not the subject of a timely filed charge of discrimination or retaliation, Plaintiff's claims are barred for failure to exhaust administrative remedies.

18. To the extent Plaintiff has failed to mitigate her damages, she is barred from recovering from Defendant.

19. To the extent Plaintiff unreasonably delayed in filing her charge of discrimination or retaliation, her claims are barred by the doctrine of laches.

20. Notwithstanding Defendant's general denials and previous affirmative defenses, to the extent Plaintiff establishes that her sex or any claimed retaliation was a motivating factor for any employment decision challenged herein, Defendant affirmatively states that it would have taken the same action in the absence of such an impermissible motivating factor.

WHEREFORE, Defendant requests that the Complaint be dismissed and that attorney's fees and costs be assessed against the Plaintiff.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Sheldon N. Sandler

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Attorneys for Defendant

DATED: February 13, 2008

CERTIFICATE OF SERVICE

I, **Sheldon N. Sandler**, hereby certify that on Wednesday, February 13, 2008, I electronically filed a true and correct copy of the foregoing **Answer** with the Clerk of Court using CM/ECF, and, on the same day, caused two (2) copies of such **Answer** to be served by United States First Class mail postage prepaid to the following non-registered participant:

Rhonda A. Coleman
16 Meghan's Way
Pennsville, New Jersey 08070

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/s/ Sheldon N. Sandler

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